UNITED STATES DISTRICT COURT WESTERN DISTRICT OF NORTH CAROLINA ASHEVILLE DIVISION 1:18-cv-00350-RJC-SCR

RICKY MILLER,)
Plaintiff,)))
v.)
COMMISSIONER OF SOCIAL SECURITY,) ORDER)
Defendant.)

THIS MATTER comes before the Court on Plaintiff's Motion for Attorney's Fees (the "Motion"). (Doc. No. 20). In the Motion, Plaintiff's counsel contends that he is entitled to attorney's fees in the amount of \$12,005.80, which represents 25% of Plaintiff's accrued back benefits, to be paid from Plaintiff's back benefits pursuant to section 406(b) of the Social Security Act. 42 U.S.C. § 406(b). Defendant does not oppose the Motion. See "Response ..." (Doc. No. 21). Plaintiff has previously been awarded attorney's fees under the Equal Access to Justice Act, 28 U.S.C. § 2412, in the amount of \$3,450.00, and these fees were seized under the Treasury Offset Program. (Doc. No. 20-1 at 5 and 21 at 2).

The Court has reviewed the Motion and supporting exhibits, including Plaintiff and counsel's fee agreement (Doc. No. 20-2), and finds that Plaintiff has established that he is entitled to attorney's fees pursuant to 42 U.S.C. § 406(b). For the reasons outlined in Plaintiff's Motion, the Court **GRANTS** Plaintiff's Motion for Attorney's Fees. (Doc. No. 20).

IT IS, THEREFORE, ORDERED that Plaintiff's Motion for Attorney's Fees, (Doc. No. 20), is **GRANTED**.

The Commissioner of Social Security is hereby **ORDERED** to pay to Plaintiff's counsel

the sum of \$12,005.80 from Plaintiff's back benefits. Because the EAJA fees were recovered by the Treasury Department, there is no offset.

SO ORDERED.

Signed: April 11, 2023

Susan C. Rodriguez

Radija United States Magistrate Judge